



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 17, 2025

By ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *American Civil Liberties Union Foundation v. United States Immigration and Customs Enforcement, et al.*, No. 24 Civ. 7444 (DLC)

Dear Judge Cote:

This Office represents Defendants United States Immigration and Customs Enforcement (“ICE”), United States Department of Homeland Security (“DHS”), United States Customs and Border Protection (“CBP”), and United States Department of Justice (“DOJ”) in the above-named action. Plaintiff American Civil Liberties Union Foundation brings suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). The parties write jointly, pursuant to the Court’s order of February 18, 2025, ECF No. 40, to provide a status update regarding each agency’s processing of the FOIA requests at issue.

ICE: ICE made its first and final release of responsive, non-exempt records on November 19, 2024. Plaintiff inquired about FOIA exemptions applied to a spreadsheet in ICE’s November 19, 2024 production; ICE reprocessed this spreadsheet and reproduced it to Plaintiff with fewer redactions on February 11, 2025. Plaintiff also inquired about contracts that it believed to be responsive to its request pursuant to a lead from publicly available sources. ICE responded to this inquiry on January 22, 2025, confirming that there are no contracts responsive to Plaintiff’s FOIA request.

DHS: On November 26, 2024, DHS produced 21 responsive, non-exempt pages related to one of Plaintiff’s two FOIA requests. DHS has located no other records responsive to that request. As to the second FOIA request, DHS’s search for records yielded 5,715 potentially responsive pages. DHS has reviewed those pages for responsiveness and determined that 5,594 are non-responsive. The remainder—121 pages—will be processed and non-exempt portions produced on or before March 28, 2025.

CBP: CBP completed its search, which yielded approximately 621 potentially responsive pages, prior to February 10, 2025. CBP made its first production of responsive, non-exempt records on March 10, 2025, and it anticipates completing processing of the remaining potentially responsive pages by April 15, 2025.

DOJ, Office of Legal Counsel (“OLC”): OLC completed its search and identified four potentially responsive documents. To streamline OLC’s production, Plaintiff previously agreed

that DOJ may produce only a portion of one of the documents, and that Plaintiff will determine on reviewing that portion whether Plaintiff will seek the document in its entirety. OLC has transmitted some or all of the remaining documents to three separate entities for consultation. OLC has followed up with those entities, but the pages remain outstanding at this time. OLC will produce the documents as quickly as possible after consultations are complete.

The parties request permission to submit another joint status report on or before April 17, 2025.

We thank the Court for its consideration of this request.

Respectfully,

MATTHEW PODOLSKY
Acting United States Attorney for the
Southern District of New York

By: /s/ Alyssa B. O'Gallagher
ALYSSA B. O'GALLAGHER
JESSICA F. ROSENBAUM
Assistant United States Attorneys
Tel.: (212) 637-2822/2777
Email: Alyssa.O'Gallagher@usdoj.gov
Jessica.Rosenbaum@usdoj.gov

/s/ Linnea Cipriano
Linnea Cipriano
Jacob S. Tyson
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Tel: +1 212 813 8800
Fax: +1 212 355 3333
LCipriano@goodwinlaw.com
Jtyson@goodwinlaw.com

Eunice Hyunhye Cho
AMERICAN CIVIL LIBERTIES FOUNDATION
National Prison Project
915 15th St. NW
Ste 7th Floor
Washington, DC 20005
Tel: +1 202 548 6616
Echo@aclu.org

Kyle A. Virgien
AMERICAN CIVIL LIBERTIES FOUNDATION
425 California St.
Suite 700
San Francisco, CA 94104
Tel: +1 415 343 0770
KVirgien@aclu.org